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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,687	11/01/2000	James D. Gee JR.	194394US8	9890

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EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2616

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,687

Applicant(s)

GEE, JAMES D.

Examiner

Joseph G Ustaris

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 12, 15, 16, 25, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-11, 13, 14, 17-24, and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the RCE dated 27 January 2005 in application 09/702,687.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4, 5, 12, 15, 16, 25, 27, and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by Proposed HOST-POD Interface Specification.

Regarding claim 1, the Proposed HOST-POD Interface Specification discloses a method for interfacing POD modules with a host or "multichannel video receiver" (See page 7 section 3.1). The POD modules would be able to function as conditional access modules once properly interfaced (See page 34 section 7.6). The host would read the POD module's card information structure (CIS) to identify the POD or "determining a POD type" and to determine what voltage the host should apply or "determining interface parameters" in order for the POD to operate correctly. Once the appropriate voltage level is determined, the host would provide that voltage level to the POD modules or "adapting said multichannel video receiver to provide said interface parameters" (See page 15 section 5.1.2 and page 17 section 5.2).

Regarding claim 4, the host automatically reads the POD module's CIS upon power up or after reset to determine the interface ID number or "POD type" (See page 17 section 5.2).

Regarding claim 5, the CIS of the POD modules provides the host the interface ID number, CISTPL_VER_1, and TPLL1_INFO or "type messages" (See page 17 section 5.2).

Claim 12 contains the limitations of claim 1 (wherein the method is executed by a host or "multichannel video receiver" and the host inherently has a memory used to "adapt" the host to the POD modules) and is analyzed as previously discussed with respect to that claim.

Claim 15 contains the limitations of claims 4 and 12 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 5 and 12 and is analyzed as previously discussed with respect to those claims.

Regarding claim 25, the host and POD modules interface with each other by pin contacts that allows the POD modules and host to communicate with each other or "provide electrical contact with an input/output portion" and for the host to provide the proper voltage level or "adaptability input/output portion" (See pages 15-17 section 5.1.3).

Regarding claim 27, the Proposed HOST-POD Interface Specification suggests the use of smart card readers to be used with the interfacing of the host and POD modules (See page 34 section 7.6).

Claim 28 contains the limitations of claims 1 and 12 and is analyzed as previously discussed with respect to those claims.

Allowable Subject Matter

3. Claims 2, 3, 6-11, 13, 14, 17-24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2 and 13, the prior art of record fails to show or fairly suggest a method or system where the user inputs the POD type to the host.

Regarding claims 3 and 14, the prior art of record fails to show or fairly suggest a method or system where the user inputs the POD type to the host via wireless signal from a remote controller and displaying an on-screen message.

Regarding claims 6-8 and 17-19, the prior art of record fails to show or fairly suggest a memory file containing a list of POD types.

Regarding claims 9 and 20, the prior art of record fails to show or fairly suggest a method or system for determining pin positions of different interface signals required by the "POD type".

Regarding claims 10, 11, 21, and 24, the prior art of record fails to show or fairly suggest a programmable switching unit used to route the appropriate signals to the POD module.

Regarding claim 22, the prior art of record fails to show or fairly suggest an array of mechanical relays used to route signals to the POD module.

Regarding claim 23, the prior art of record fails to show or fairly suggest an array of electrical switches used to route signals to the POD module.

Regarding claim 26, the prior art of record fails to show or fairly suggest a cable connector configured to connect the host to the POD module.

Response to Arguments

4. Applicant's declarations filed 27 January 2005 have been fully considered but they are not persuasive.

Claim 1, 12, and 28 calls for a method and apparatus for determining a POD type and interface parameters for a POD module in order to adapt a video receiver to provide the interface parameters to the POD module.

The previous 1.131 affidavit filed on 29 April 2004 does not address the merits of the claimed invention. At best, the e-mails that are part of the exhibits discuss business aspects, and are therefore, not evidence that shows possession of the invention as defined by claims 1, 12, and 28 before the critical date.

The newly submitted declarations by applicant do not introduce any further evidence of possession of the invention. The declarations merely declare that the invention defined by the claims was encompassed by the "identified documents". Therefore, the declarations do not make up for the deficiencies in the original 1.131 affidavit. To date, no ~~new~~ evidence has been presented to show possession of the invention defined by the claims prior to the critical date, therefore the rejection using the Proposed HOST-POD Interface Specification under 35 U.S.C. 102(a) is maintained.

Conclusion

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I Faile can be reached on 571-272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGU
March 22, 2005



ANDREW FAILE
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